

Remarks/Arguments:

Claims 1-4 are pending. Claims 1-3 stand rejected and claim 4 is withdrawn from further consideration by the Examiner.

Rejections Under 35 U.S.C. § 112

The Office Action sets forth at page 4, paragraph 2, "Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite..." Applicant has amended the claims in view of the Examiner's helpful suggestion regarding distinguishing the two deposits as "a first deposit and a second deposit." Applicant respectfully requests, therefore, that the rejection of claims 2 and 3 under 35 U.S.C. § 112 be withdrawn.

Rejections Under 35 U.S.C. § 103

The Office Action sets forth at page 5, paragraph 2, "Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baek (U.S. Patent No. 5,957,771) in view of Kuhn (U.S. Patent No. 5,364,027) and Furner et al. (U.S. Patent No. 6,610,254)." Applicant respectfully submits that this rejection is overcome by the amendments to the claims for the reasons set forth below.

Applicant's invention as recited in claim 1 includes features not disclosed or suggested by the combination of Baek, Kuhn and/or Furner, namely:

...two deposits for products to be dispensed, where a first one of said deposits incorporates a valve, which in the top part thereof has a sprayer push-button that is activated by a pusher element driven by the movement of a first motor that is transmitted via gears...

...said first motor being powered by said batteries located in a housing and controlled by a control plate, which in turn controls and combines the operation of said first motor with that of a second motor that drives a fan which circulates the air that is in contact with a product evaporated by a cord located in the second one of said deposits, wherein said first motor and said second motor are activated independently one from the other, to run simultaneously or alternatively, according to the control plate programming. (Emphasis added)

These features are described in applicant's specification, i.e., at page 3, lines 1-28 and page 5, lines 21-37.

Baek is relied upon as "[disclosing] a multipurpose dispenser, to dispense a product comprising...at [least] one deposit for a product to be dispensed...at least one dispensing mechanism (200) activated by driving means...where said deposit incorporates a valve (222a), which in the top [part] thereof has a push-button (222) that is activated by a pusher element (211) driven by the movement of a motor that is transmitted via gears..." The Office readily admits, however, that Baek does not disclose or suggest two deposits where the second deposit comprises a product evaporated by a cord. To make up for this deficiency, the Office relies upon Kuhn as "[disclosing] a multipurpose dispenser ... comprising ... at least one deposit (9) for a product to be dispensed, and a second deposit comprising a product evaporated by a cord (10) in order to provide an apparatus that may provide a continuous release of an aroma or an instant release of a large charge of an active substance (column 1, lines 5-40, column 2, lines 22-53) (emphasis added)." Applicant respectfully disagrees with this overly broad interpretation of Kuhn. Rather, according to Kuhn, a single active substance is placed within container 2. An immersion tube channel 9 and a second immersion tube channel 10 are placed into container 2, each being placed in contact with the single active substance. Spray nozzle 8 extends from immersion tube channel 9 and a wick 4 made of a porous liquid absorbent material is disposed in immersion tube 10 and placed in contact with the active substance. Kuhn also discloses that a return valve 12 is incorporated into the lower part of immersion tube channel 10 to prevent the liquid of the single active substance from being forced into the immersion tube channel and into the evaporation space during the momentary generation of pressure in the container when the spray nozzle is depressed to release a large charge of the single active substance.

Accordingly, applicant respectfully submits that the combination of Baek and Kuhn will still result in only a single deposit rather than the two deposits set forth in the Office Action. The Office further admits that both Kuhn and Baek fail to disclose or suggest a battery operated dispenser. To make up for this acknowledged deficiency, the Office relies upon Furner as "[disclosing] a multipurpose dispenser for use with batteries to dispense a product..." The portion of Furner relied upon as disclosing a battery operated fan, once again is limited to only a single deposit. Accordingly, the combination of the three references each having only a single deposit, be it liquid or solid, still ultimately results in only a single deposit. Despite this clear difference between the claimed invention and the cited prior art, in order to

expedite prosecution, applicant is amending claim 1 to further distinguish over the cited prior art.

In addition to the deficiencies noted above, the cited prior art fails to disclose or suggest a first motor for activating a sprayer push-button to dispense a first deposit and a second motor that drives a fan that circulates air that is in contact with a product evaporated by a cord located in a second one of the deposits where the first and second motors are activated independently from one another to operate either simultaneously or alternately.

In contrast, applicant's invention as recited in claim 1 requires a first motor for activating a sprayer push-button to dispense a first deposit and a second motor that drives a fan that circulates air that is in contact with a product evaporated by a cord located in a second one of the deposits where the first and second motors are activated independently from one another to operate either simultaneously or alternately.

It is because applicant has included the features of a first motor for activating a sprayer push-button to dispense a first deposit and a second motor that drives a fan that circulates air that is in contact with a product evaporated by a cord located in a second one of the deposits where the first and second motors are activated independently from one another to operate either simultaneously or alternately, that applicant is able to provide an apparatus that is effective for mixing two products in the atmosphere for delivery simultaneously or separately within intervention by the user. None of the cited prior art is able to achieve this advantage because none of the cited prior art includes the features of a first motor for activating a sprayer push-button to dispense a first deposit and a second motor that drives a fan that circulates air that is in contact with a product evaporated by a cord located in a second one of the deposits where the first and second motors are activated independently from one another to operate either simultaneously or alternately.

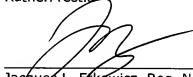
Applicant respectfully submits that the combination of Baek, Kuhn and Furner fails to disclose or suggest each and every feature of applicant's claim 1. Applicant respectfully requests, therefore, that the rejection of claim 1 as being unpatentable over the combination of Baek, Kuhn and Furner be withdrawn and the claim allowed.

Claims 2-3 depend upon claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1. Claim 4 although withdrawn by the Examiner, likewise depends upon claim 1 and upon allowance of generic claim 1 applicant respectfully requests that claim 4 be rejoined and allowed. Additionally, applicant has added claims 5 and 6 which are similar to claim 4 in all respects other than the claim from which they depend. Applicant similarly requests that these claims be entered and allowed upon the allowance of generic claim 1.

In view of the amendments and remarks set forth above, applicant submits that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia



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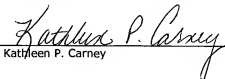
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